

Testimony of Conrad Schneider, Advocacy Director, Clean Air Task Force, Hearing on EPA's Proposed Mercury Rule, Augusta, Maine.

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Good afternoon. My name is Conrad Schneider of Brunswick, Maine.

I am the Advocacy Director of the Clean Air Task Force. CATF is a Boston-based, national environmental advocacy organization dedicated to restoring clean air and healthy environments through scientific research, public education, and legal advocacy. Our primary mission involves cleaning up the nation's grandfathered power plants.

You know, school vacation week in Maine was two weeks ago and our family went to Sanibel Island, Florida – our first “sun and fun” vacation ever. While down there, I went saltwater fly-fishing for the first time. This June I am going with some buddies to fish Grand Lake stream here in Maine. Although Sanibel was saltwater and Grand Lake stream will be fresh, there is a common denominator here. Both Florida and Maine warn us to limit our consumption of the fish I catch. While I was trying to catch a trophy sport fish in Florida, I managed to catch only a flounder. However, I tossed it back because

my wife's sister, who is four months pregnant, and her husband were with us and pregnant women are warned to eat no fish because the mercury contamination threatens their fetuses. In fact, while it was bad enough that she couldn't drink a pina colada in Florida, she couldn't eat any fish either! That'll be true when she visits us in Maine this summer too. Maybe you think this is a small matter. But consider that in Maine, recreational fishing contributes \$250 million to the economy here each year.

I would like to thank Rep. Tom Allen for his leadership in holding this hearing; the first of what may many more such hearings around the country by concerned members of Congress to hear from citizens about the deficiencies of the Bush Administration's power plant mercury proposal. We share Rep. Allen's view that it is outrageous that on an issue of such critical importance to our people, U.S. EPA chose not to schedule one hearing on this rule in New England.

The people of our region have always looked to the sea and our inland water bodies – for commerce, for knowledge, for recreation and, perhaps most importantly, for food. Ocean and freshwater fish

have been a staple of the New England diet since the first human settlements here.

But we're here today because that food source is under threat – from mercury pollution. Due to eating mercury in contaminated ocean fish and fresh water fish, one in six women of childbearing age in the United States have mercury levels above what EPA considers safe. That's nearly five million women nationally with elevated mercury levels in their blood. Because mercury travels through the placenta and breast milk that also means more than 600,000 children born each year are at risk for mercury's toxic effects.

And those effects are serious. They include poor attention span and language development, impaired memory and vision, problems processing information, and impaired visual and fine motor coordination. Deborah Rice, formerly with EPA who is a renowned expert on the effects of toxic metals on brain development that Maine DEP was fortunate to hire. Dr. Rice last year warned at a U.S. Senate hearing that the threat posed by mercury is comparable to that of lead. We have too many children today who struggle to keep

up in school and who require remedial classes or special education. And those of you who have had even passing involvement with our public schools know that the cost of these types of programs present a major fiscal challenge.

Adults, too, are at risk. Elevated mercury levels are linked to fertility issues, high blood pressure, and heart problems.

As a result, children and women of childbearing age not just in Maine and Florida are being advised to restrict their intake of certain fish. 44 states have issued advisories limiting consumption of fish from certain water bodies – 17 states for every inland water body. Maine, for example, has an advisory covering every freshwater lake, stream, pond, and river. Species with specific consumption advice include our famous brook trout and landlocked salmon. For our coastal waters, Maine warns about consumption of blue fish and striped bass. Ten states have issued advisories on canned tuna. The FDA has told pregnant women not to eat swordfish, another staple of the North Atlantic fishery. Later this week, FDA is expected to revise its consumption warning for the first time to include tuna. It is ironic that at the very time concerns over the health effects of mercury are

growing, EPA is proposing to weaken the requirements for mercury reduction from power plants.

There are many sources of mercury in the environment but most of it comes from human activity such as burning mercury-containing coal for electricity, mining, and improper disposal of mercury-containing products. Through these releases, we've contaminated a large part of our region's and nation's food supply. This is simply unacceptable.

So what's to be done? The answers are not simple or quick, but we've already made a start. About 70% of the world's new annual mercury releases are from coal combustion and waste incineration.

Fortunately, we have the technology to reduce coal plant mercury emissions nationally by 90% within the next decade. The State of Connecticut has adopted this target for its plants. Massachusetts, New Jersey, Wisconsin, and New Hampshire are considering similar targets.

But air pollution travels, so the states can't act alone. We need the federal government to act. We're aggressively controlling waste incineration in the U.S. by requiring incinerators to reduce their mercury emissions by 90%. But the biggest fish to catch – coal-fired power plants – has yet to be caught. Coal plants account for fully one third of U.S. mercury emissions and, amazingly, are completely unregulated.

In its proposed rule, U.S. EPA again proposes to let power plants off the hook. The proposed emissions standards are transparently based on the legislative targets in the Administration's so-called "Clear Skies" proposal, which is a broad attempt to rollback the requirements and deadlines of the Clean Air Act – in large part the work of Maine Senators Muskie and Mitchell. The Bush Administration proposal does not go far enough or fast enough -- either to adequately protect public health or satisfy the requirements set out by Congress.

Frankly, I should not even dignify what EPA has issued as a proposed rule. It is so blatantly illegal, in the laxity of the emissions

standards and deadlines and in the lack of legal authority for its misguided emissions trading scheme that the Bush Administration knows full well that legal challenges by the coal industry will be successful and leave us with no rule at all. Which is just what they want. The environmental community had to sue EPA just to issue a rule. What they've proposed is just "smoke and mirrors" to satisfy the court that they've proposed something on time.

This cynical ploy should come as no surprise when you realize that my organization broke a story in the Washington Post recently that the language of the Bush proposal includes over a dozen examples where whole paragraphs from industry memos were lifted verbatim and inserted in the rule. Either that, or industry lawyers themselves were actually writing the rules for EPA.

Back in the Year 2001, in the first year of the Bush Administration, EPA signaled that it would issue a rule resulting in a 90 percent reduction in mercury emissions – from 48 tons a year down to 5 tons -- per year by 2008. That is what the Clean Air Act Amendments require. EPA now proposes a rule, which if implemented, would still

allow 34 tons of mercury emissions per year in 2008 and 15 tons in 2018 – giving us a decade more of delay while leaving three times as much mercury in the environment as what is achievable with today's control technology.

We call on U.S. EPA to return to its original compass bearing, set the hook, and reel in the “Big One” by dropping power plant mercury by 90 percent within this decade. That isn't likely to happen. So, ultimately, Rep. Allen, it may left to you to finish the job Senator Mitchell thought he had done in Clean Air Act Amendments of 1990 (which was signed by the first President Bush) -- requiring the U.S. power sector to do its full share to solve the problem of mercury contamination.